

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Kyle B. Richards,

Plaintiff,

v.

Case No. 12-14148

Ken McKee, et. al.,

Honorable Sean F. Cox

Magistrate Judge Laurie J. Michelson

Defendants.

ORDER
ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

On September 19, 2012, Plaintiff brought this action against nearly fifty defendants, including Macomb County Jail officials and personnel, alleging violations of 42 U.S.C. section 1983 and state law. (Doc. #1). All pretrial matters were referred to Magistrate Judge Laurie J. Michelson pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. #14).

On September 30, 2013, Plaintiff filed a Motion for Summary Judgment and Request for Leave. (Doc. #54). Plaintiff asks the Court to grant him leave to file a successive motion for summary judgment because this Court had previously dismissed one of Plaintiff's prior motions for summary judgment as premature. (Doc. #55). Plaintiff argues that his current Motion for Summary Judgment is timely because, according to the "standard case management order . . . discovery expired in July." (Mo. at 1-2). Plaintiff appears to argue that he is entitled to summary judgment because the only evidence on record consists of affidavits he submitted, along with his verified Complaint, and thus there is no triable issue of fact.

In a Report and Recommendation ("R&R") issued on March 7, 2014, Magistrate Judge

Michelson recommended that this Court deny Plaintiff's Motion for Summary Judgment because the remaining Defendant has not had time to obtain the required discovery. (Mar. 7, 2014 R&R at 2-3). Magistrate Judge Michelson also recommended that Plaintiff's Motion for Time Extension and Request for Copies be dismissed as moot, because there is nothing on the docket to which Plaintiff must respond at this time. (March 7, 2014 R&R at 3).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. "The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made." *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R. Furthermore, the Court agrees with the Magistrate Judge's analysis of the issues presented. Therefore, the Court hereby ADOPTS the March 7, 2014 R&R. IT IS ORDERED that Plaintiff's Motion for Summary Judgment and Request for Leave are DENIED, and Plaintiff's Motion for Time Extension and Request for Copies is DENIED.

CONCLUSION & ORDER

For the reasons set forth above, the Court hereby ACCEPTS AND ADOPTS Magistrate Judge Michelson's March 7, 2014 Report and Recommendation (Doc. #76). The Court hereby ORDERS:

- 1) Plaintiff's Motion for Summary Judgment (Doc. #54) is DENIED; and

- 2) Plaintiff's Motion for Time Extension and Request for Copies (Doc. #72) is DENIED.

IT IS SO ORDERED.

Dated: April 4, 2014

S/ Sean F. Cox

Sean F. Cox

U. S. District Judge

I hereby certify that on April 4, 2014, to foregoing document was served on counsel of record via electronic means and upon Kyle Richards via First Class mail at the address below:

Kyle Richards #641715
Bellamy Creek Correctional Facility
1727 West Bluewater Highway
Ionia, MI 48846

S/ J. McCoy

Case Manager